

CHAPTER 2 RULES AND OPERATION FOR THE BOARD

[Prior to 3/23/88, see Foster Care Review Board[445] Ch 2]

489—2.1(237) Membership and term.

2.1(1) *Membership.* The state foster care review board consists of seven members and functions under the leadership of a chairperson, vice-chairperson, and other officers as needed, who are elected annually by the membership. All members are appointed by the governor and subject to confirmation by the senate. The state board is directly responsible to the governor. Vacancies on the state board shall be filled in the same manner as original appointments are made. Each member of the state board may be eligible to receive compensation as provided in Iowa Code section 7E.6.

2.1(2) *Terms.* The term of a state board member's appointment shall not exceed three years. The governor shall fix the tenure of the individual appointments such that no more than one-third of the general membership's term expires in a given year.

2.1(3) *Meetings.* The state board shall meet at least twice a year. Notice of a meeting is published at least seven days in advance of the meeting and will be mailed to interested persons upon request. The notice shall contain the specific date, time and place of the meeting. The agenda will be made available to any interested person not less than seven days in advance of the meeting. All meetings will be open to the public, pursuant to Iowa Code chapter 21, unless a closed session is voted by a quorum. The operation of the board meetings will be governed by the following rules of procedure.

a. A quorum shall consist of four members. When a quorum is present, a position is carried by an affirmative vote of a majority of the entire membership of the board.

b. Minutes of board meetings are prepared and are available at the board office for inspection during office hours. Copies may be obtained without charge by contacting the office.

c. At each meeting the board shall set the time, date and place of the next meeting.

(1) Notice of the meetings shall be given pursuant to Iowa Code chapter 21.

(2) When it is determined by the chairperson of the board that a special or electronic meeting is required, it shall be held in accordance with Iowa Code section 21.4 or 21.8.

(3) Persons wishing to appear before the board shall submit the request to the board office not less than ten days prior to the meeting. Presentations may be made at the discretion of the chair and only upon matters appearing on the agenda. Persons wishing to submit written material should do so at least ten days in advance of the scheduled meeting to ensure board members have adequate time to receive and evaluate the material.

(4) Cameras and recording devices may be used at open meetings provided they do not obstruct the meeting. The presiding officer may request a person using such a device to discontinue its use when it is obstructing the meeting. If a person fails to comply with this request, the presiding officer shall order that person excluded from the meeting.

(5) The presiding officer may exclude any person from the meeting for repeated behavior that disrupts or obstructs the meeting.

(6) Cases not covered by these rules shall be governed by Robert's Rules of Order, revised 1970 edition.

2.1(4) *Powers and duties.* The state board shall:

1. Review the activities and actions of local boards.

2. Establish a central record-keeping facility for files of local review boards, including individual case reviews.

3. Accumulate data and develop an annual report regarding children in foster care and make recommendations. The recommendations shall include, but are not limited to, identification of systemic problems in the foster care and the juvenile justice systems, specific proposals for improvements that assist the systems in being more cost-effective and better able to protect the best interests of children.

4. Evaluate the judicial and administrative data collected on foster care and disseminate the data to the governor, the supreme court, the chief judge of each judicial district, the department, and child-placing agencies.

5. Establish mandatory training programs for members of the state and local review boards.

6. Establish procedures for the local review board consistent with the provisions of Iowa Code section 237.20.

7. Establish grounds and procedures for removal of a local board member.

8. Assign the case of each child receiving foster care within the judicial district to the appropriate local board.

9. Provide supportive services to local boards to assist them in their duties.

10. Employ a state director and appropriate staff.

This rule is intended to implement Iowa Code sections 17A.3, 237.16 and 237.18.

489—2.2(237) Director. The state board appoints a director for the foster care review board. The director is responsible for the ongoing administration of the state and local boards' activities. The director:

1. Applies for and administers funds necessary for operations of the foster care review board system.

2. Employs, discharges, trains, and supervises foster care review board employees.

3. Recommends and encourages implementation of needed policies and procedures on an interim basis between meetings of the state board.

4. Ensures training is provided for state and local board members.

5. Ensures that relationships are developed and maintained between the local board and judges, juvenile court referees, local departments, juvenile court services, and advocacy groups.

6. Coordinates efforts to ensure community awareness of state and local boards.

7. Works closely with allied agencies and associations to ensure that efforts relating to state and local boards are coordinated and consistent.

8. Develops a management information system with feedback to local agencies of children to be reviewed, schedules for review, and recommendations following reviews.

9. Designs forms and specifies the means by which foster care agencies may transmit case information to local boards.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18(5).

489—2.3(237) Foster care registry. The state board shall establish a registry of the placements of all children receiving foster care. The department shall notify the state board of each placement within five working days of the department's notification of the placement. The notification to the state board shall include information identifying the child receiving foster care and placement information for that child.

Within 30 days of the placement or 2 days after the dispositional hearing, the agency responsible for the placement shall submit the case permanency plan to the state board. All subsequent revisions of the case permanency plan shall be submitted when the revisions are developed.

This rule is intended to implement Iowa Code sections 17A.3 and 237.17.

489—2.4(237) Training. Pursuant to Iowa Code section 237.18(2) "d," training is mandatory for members of the state and local boards. Training will include:

1. The history, philosophy, and role of the juvenile court in the child welfare system.

2. Juvenile court procedures under the Juvenile Justice Act, pursuant to Iowa Code chapter 232.

3. The foster care administrative review process of the department.

4. The role and procedures of the foster care review system and state and local board members' responsibilities.
5. The Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.
6. The purpose of case permanency plans, and the types of information that will be available in those plans.
7. The situations where the goals of either reuniting the child with the child's family or adoption would be appropriate.
8. The legal processes that may lead to foster care placement.
9. The types and number of children involved in those legal processes.
10. The types of foster care placement available, with emphasis on the types and number of facilities available on a regional basis.
11. The impact of specific physical or mental conditions of a child on the type of placement most appropriate and the kind of progress that should be expected in those situations.
12. The definition and importance of confidentiality, explanation of Iowa Code sections 600.16, 217.30 and 235A.15 and penalties for disclosure.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18(2) "d."

489—2.5(237) Confidentiality of records—penalty.

2.5(1) The information and records of or provided to a local board or the state board regarding a child receiving foster care and the child's family when relating to the foster care placement are not public records pursuant to Iowa Code chapter 22 and section 237.21. The state board and local boards, with respect to hearings involving specific children receiving foster care and the child's family, are not subject to Iowa Code chapter 21.

2.5(2) Information and records relating to a child receiving foster care shall be provided to a local board or the state board by the department or child-care agency upon request by either board. A court having jurisdiction of a child receiving foster care shall release the information and records the court deems necessary to determine the needs of the child, if the information and records are not obtainable elsewhere, to a local board or the state board upon request by either board. Confidential records and information that are distributed to members of the board in advance of a meeting of the state or local board shall be clearly identified as confidential and the members shall take appropriate steps to prevent unauthorized disclosure.

2.5(3) Members of the state board and local boards and the employees of the department are subject to the standards of confidentiality pursuant to Iowa Code sections 600.16, 217.30 and 235A.15. Members of the state and local boards and employees of the department shall not disclose information or records of the board or department, other than as provided in subrule 2.5(2).

This rule is intended to implement Iowa Code sections 17A.3 and 237.21.

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